

REMARKS

Prior to this amendment, claims 3-4 and 6-17 were pending. With the entry of this amendment, claims 1-13 and 17 will be canceled, claims 14-16 will be allowed, and claims 18-23 will be pending.

35 U.S.C. § 132

The Office objected to the specification for introducing new matter that was not supported in the specification as filed. Applicants respectfully traverse the objection with respect to paragraph 2. The amended paragraph 2 contains no new matter; it uses different words to convey that ginseng is an effective main component of conventional herbal remedies for dementia. Without acquiescing in the objection, Applicants cancel the four paragraphs inserted following paragraph 10 and the paragraph inserted following paragraph 53. See Reply to Office Action, filed December 23, 2003. Accordingly, Applicants respectfully request that the objection to the specification under 35 U.S.C. § 132 be withdrawn.

35 U.S.C. § 102(b)

The Office rejected claim 17 under 35 U.S.C. § 102(b) as anticipated by the Derwent English abstract of CN 1207942 A, U.S. Patent No. 5,466,443, and U.S. Patent No. 5,916,555. Without acquiescing in the rejection, Applicants cancel claim 17. Accordingly, the rejection to claim 17 under 35 U.S.C. § 102(b) may be withdrawn.

35 U.S.C. § 103

The Office rejected claims 3-4 and 6-13 as obvious over U.S. Patent No. 6,010,702 (the '702 patent) in view of several other references, using the rationale that it was known in the art at the time of the invention to use the claimed ingredients in

compositions to treat dementia and that an artisan of ordinary skill would have a reasonable expectation that combining the composition taught by the '702 patent and the ingredients recited in the other cited references would be useful in producing a composition useful in treating dementia.

Without acquiescing in the rejection, Applicants cancel claims 3-4 and 6-13. Applicants herein add new claim 18, which recites the components of canceled claim 4, but now depends from allowed claim 14. Applicants also herein add new claims 19-20, which are essentially identical to canceled claims 6-7, but which now depend from allowed claims 14-16. Applicants further add new claims 20-23, which are essentially identical to canceled claims 10-13, but which now depend from allowed claims 14-16. Accordingly, Applicants respectfully request that the objection to claims 3-4 and 6-13 under 35 U.S.C. § 103 be withdrawn.

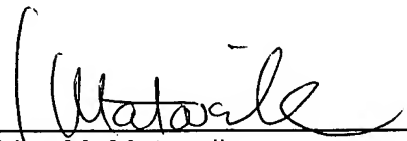
Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Office, placing claims 14-16 and 18-23 in condition for allowance. Applicants submit that the proposed new claims 18-23 do not raise new issues or necessitate the undertaking of any additional search of the art by the Office, since all of the elements and their relationships were earlier claimed. Therefore, this Amendment should allow for immediate action by the Office. In view of the foregoing amendments and remarks, respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Finally, applicants submit that the entry of this amendment would place the application in better form for appeal, should the Office dispute the patentability of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 16, 2004

By: 
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